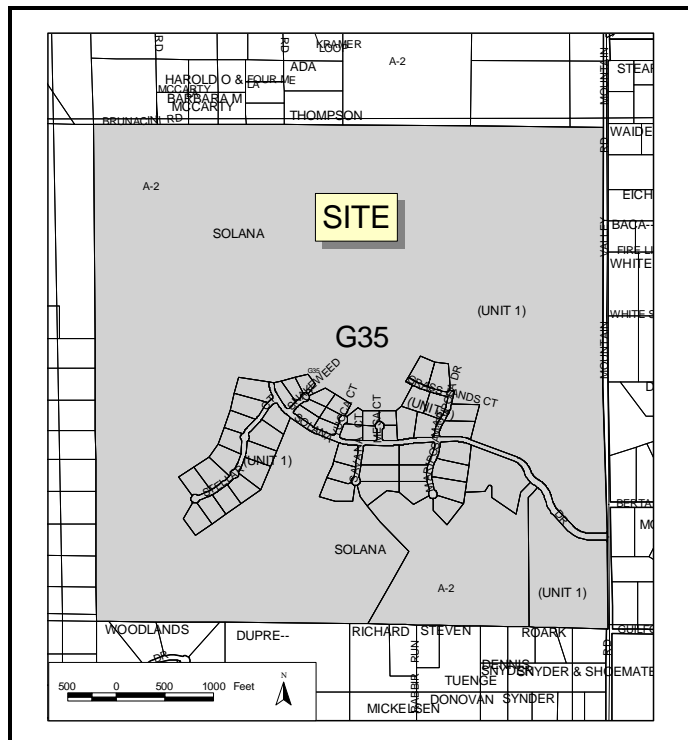




**Agenda Number: 8  
SC-40003  
January 4, 2006**

<b>Applicant:</b>	Las Leyendas LLC
<b>Agent:</b>	Consensus Planning
<b>Location:</b>	West of NM 217 (Mountain Valley Road), between I-40 and Frost Road.
<b>Property Size:</b>	Approximately 618.67 acres
<b>Existing Zone:</b>	A-2
<b>Request:</b>	Preliminary Plat
<b>Recommendation:</b>	Approval



<b>Summary:</b>	The applicant is seeking Preliminary Plat approval of a 257-lot subdivision on a 618.67 acre property in the East Mountain area. The southeast corner of the property is located approximately 1.5 miles north of the intersection of I-40 and NM 217. Its eastern boundary lies between Guilford Road and Crestview Lane.
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The County Development Review Authority deemed this Preliminary Plat application complete on October 13, 2005.

**Staff Planner:** Mari Simbaña, Program Planner

**Attachments:**

1. Application
2. Land Use and Zoning Maps
3. CDRA Notices of Decision (October 13, 2005)
4. Additional Agency Comments
5. Letter from Neighborhood Association
6. Plat, disclosure statement (Commissioners only)

Bernalillo County Departments and other agencies reviewed this application from November 15, 2005 to December 5, 2005. Their comments were used in preparation of this report, and begin on Page 9.

**AGENDA ITEM NO.: 8**  
**County Planning Commission**  
**January 4, 2006**

SC-40003     Consensus Planning Inc., agent for Las Leyendas LLC, requests preliminary plat approval for a two hundred fifty-seven (257) lot subdivision to be called Las Leyendas Subdivision, Lots 35, 36, 47-50, 54, 94, 95, 111-123, 178-192, 268-282, Tracts A, B, C, R, and open space tract of Solana Subdivision, T10N R6E, located west of Mountain Valley Road between I-40 and Frost Road, zoned A-2 with a Special Use Permit for a Planned Development Area, containing approximately 618.67 acres. (G-35 & 36)

**AREA CHARACTERISTICS AND ZONING HISTORY**

**Surrounding Zoning & Land Uses**

	<b>Zoning</b>	<b>Land use</b>
<b>Site</b>	A-2	Vacant
<b>North</b>	A-2	Single family residential
<b>South</b>	A-2	Single family residential
<b>East</b>	A-2	Single family residential
<b>West</b>	A-2	Single Family Residential

## **BACKGROUND:**

### **The Request**

The applicant is requesting approval of a Preliminary Plat for a 257-lot subdivision on 618.67 acres (approximately) to be called Las Leyendas, presented as 5 units. Unit 1 contains 50 lots, Unit 2 contains 52 lots and a park, Unit 3 contains 55 lots, Unit 4 contains 46 lots, and Unit 5 contains 54 lots. The primary access to the subdivision will be from New Mexico Highway 217 (Mountain Valley Road). Most of the proposed lots are approximately 2.0 acres with several being slightly larger than that. There are several lots that range in size from 3.045 to 4.541. There are also two lots that measure 8.342 acres and 10.718 acres, respectively, most of this acreage being within a 'no-build' easement.

The existing vacant subdivision, Solana, approved in March 2000 by the Board of County Commissioners (SC 97-06/SC 99-02), contains 56 lots in conjunction with a Special User Permit (CSU-97-13) that allows for clustered housing. However, the applicant, for the Las Leyendas subdivision, submitted a letter stating the Special Use Permit is no longer in use. Therefore, Bernalillo County has cancelled it.

According to the Disclosure Statement submitted in April 2005, the subdivider intends to provide stubouts on each lot for electricity, water, and telephone utilities. Utilities will be underground in public rights-of-way or in specified easements, and will be stubbed to front boundary of each lot for future owners to arrange connection with appropriate utility companies. Natural gas is not currently available. Entranosa Water and Wastewater Association will provide water service. It will be the responsibility of each owner to install a Bernalillo County approved wastewater system. Also, each lot purchaser must subscribe to a solid waste removal service. Trails, landscaping, monuments/signage, and median plantings will be maintained by the Las Leyendas Homeowner's Association to which all lot owners must become members of.

On November 18, 2005, Office of the State Engineer (OSE) issued a negative opinion on the proposal for Las Leyendas subdivision. According to this opinion letter, "The OSE does not believe that water availability from the E-2298 permit well field has been reasonably demonstrated to meet the demands of the EWWA over with either Bernalillo County required 70-year period, or over the 100-year period required by the Estancia Guideline." Additionally, the OSE believes the application is not consistent with the Ordinance requirements because total allowable indoor and outdoor use has not been quantified and identified. Furthermore, though the letter from the water provider states a limit of 0.6 acre-feet of water per year per lot, the Disclosure statement does not include this language.

### **Surrounding Land Uses and Zoning**

The subject properties are currently vacant and adjacent on all sides to existing residential development zoned A-2. The southeast corner of the property is located approximately 1.5 miles north of the intersection of I-40 and NM 217. NM 217 (Mountain Valley Road) borders its eastern boundary between Guilford Road and Crestview Lane. The Crestview subdivision is adjacent to the northeast of the proposed Las Leyendas and Woodlands subdivision is adjacent to the southwest.

## **APPLICABLE PLANS AND POLICIES:**

### **Albuquerque/Bernalillo County Comprehensive Plan**

The site is located in the Rural Area as designated in the Albuquerque/Bernalillo County Comprehensive Plan. The principal goal for this area is to maintain the separate identity of rural areas as alternatives to urbanization by guiding development compatible with their open character, natural resources, and traditional settlement patterns.

Policy a for the Rural Area states that "Rural Areas shall generally retain their rural character with development consisting primarily of ranches, farms, and single-family homes on large lots; higher density development may occur at appropriate locations within rural villages or planned communities."

### **East Mountain Area Plan**

#### **Goals and Objectives**

*Land Use Section, Page 12-13*

Goal: To promote development that retains the unique character of the East Mountain Area

- *Objective 11c* states that, "Neighborhood and/or community scale commercial uses, rather than regional-scale commercial centers, are appropriate for rural areas. Strip commercial should be discouraged, and where possible, commercial development should be constrained to areas that are designated as appropriate for commercial development."
- *Objective 11e* states that, "Commercial growth and development should be consistent with policies that retain the rural character of the East Mountain Area."

*Environment, Page 13*

Goal: To maintain and improve the existing visual quality of the East Mountain Area

*Objective 4:* Encourage the use of building materials that are in harmony with the landscape, minimize the alteration of existing vegetation and topography on building sites, and minimize the visibility of buildings and incidental structures.

### **Rural Character Page 37:**

"Some more specific characteristics of the east Mountain Area follow: ... Locally-owned and operated commercial enterprise providing distinctive locally produced products to a wider market. "

"It is important to the East Mountain Area residents that rural character be preserved. People who choose to live in rural areas typically do so from an attachment to the different lifestyle available, an appreciation of the natural character of the area, and a belief that this character is important to preserve."

### **Policies and Recommendations Page 74**

*Land Use Policies*

1. Bernalillo County shall guide future development and land uses in accordance with the specific environmental factors affecting each site; a. water availability and quality; b.

wastewater disposal and treatment; c. steep slope areas/erosion control; d. floodplain/arroyo corridors; e. visual characteristics; f. vegetation; g. soil types; and fire breaks in forested areas.

2. All existing and future developments in the East Mountain Area (new subdivisions, new land divisions, and existing lots of record) have the potential to degrade the existing character and environmental conditions and must be controlled to prevent future degradation.
3. Subdivisions, land divisions, and development on existing lots in areas of poor soils, steep slopes, wildlife habitat areas, and high scenic quality areas shall require special consideration relative to water supply, wastewater treatment, building siting, road layouts, drainage, and subdivision design.
6. Average residential density for any new subdivision or land division within the East Mountain Area should not be approved at less than 2 acre net lot size per single family dwelling unit.

### **Bernalillo County Subdivision Ordinance**

#### **Section 74-32 Agency Review**

(d) *Adverse opinion.* If any opinion from a public agency is adverse, the county shall forward a copy of the adverse opinion to the subdivider and request that additional information be provided to the county within 30 days to respond to the agency's concerns. The county shall forward such additional information upon receipt, to the appropriate agency, which shall have 30 days from the receipt of the additional information to review and return a revised opinion. The county shall obtain receipts or other proof showing the date the additional information was received by each state or local agency. The applicant may contact any public agency directly to expedite the process.

(e) *Revised opinion.* The county shall schedule a public hearing for consideration and action within 30 days after the receipt of a revised opinion from the appropriate agency. If the county does not receive a revised opinion within the specified 30 days after the date the subdivider submits the additional information, it shall proceed with the required public hearing.

(Ord. No. 96-23, art. 4 § 2, 10-1-96)

#### **Section 74-92. Quantification of annual water requirements**

The following procedures shall be used to quantify the maximum allowable subdivision water use per year, for all subdivisions:

- (1) The maximum annual water requirements for both indoor and outdoor purposes, for each parcel in a residential subdivision shall be 0.6 acre-feet per year. The total annual water requirements for the subdivision in acre-feet per year, is computed by multiplying the number of parcels by 0.6.
- (2) The subdivider may, at his option, or if required by the county, prepare a detailed water demand analysis using the step by step computational procedure presented in the relevant state engineer technical report.

**Section 74-95. Water availability assessment for all type-one, type-two, and type-four subdivisions, and all type-three and type-five subdivisions containing six or more parcels**

(f) For community water systems in which an existing company is proposed as the source of water supply, the subdivider shall submit a water supply plan which meets the following requirements:

(1) For all existing water utilities:

a. Name of the utility proposed as the source of supply. Letter of intent from the utility that they are ready, willing, and able to provide the maximum annual water requirements for the subdivision for at least 70 years. The letter must also state any requirements for the subdivider to provide water rights.

(2) For all new water utilities other than municipally owned water utilities and at the discretion of the county, existing utilities:

a. Documentation showing the quantity of water presently produced annually, quantity of water supply commitments to date, and proof of sufficient water rights to meet both existing commitments and the requirements of the proposed subdivision;

b. For New Mexico Public Utilities Commission (PUC) certified utilities, a copy of the most recent annual report submitted to the PUC;

c. Plans for the existing water system to which the proposed system will tie. The plans shall show diversion point locations, and water storage and distribution system. The size or capacity of the water system components should also be indicated on the plans; and

d. Any other information, including any or all of the requirements of subsection (d) of this section required by the board of county commissioners to make a determination that the utility has the capability to meet the water requirements of the proposed subdivision.

**ANALYSIS:**

**Surrounding Land Use and Zoning**

The subject property is zoned A-2 and is in a residential area of the East Mountains where A-2 zoning predominates. Lot sizes of the proposed Las Leyendas subdivision meet the minimum 2.0-acre lot size.

**Plans**

The request complies with the East Mountain Area Plan that recommends an average residential density of two net acres per lot. The smallest lot is 2 acres and the largest lot is 10.718 acres.

### **Bernalillo County Subdivision Ordinance**

Section 74-95 f.1, f.2 state, that the proposed utility for the source of water supply must provide a letter of intent that they are “ready, willing, and able to provide the maximum annual water requirements for the subdivision for at least 70 years.” As stated in Section 74-92, the *maximum* water requirement should be based on 0.6 acres feet per year, per parcel. Furthermore, new water utilities (not municipally owned) and at the discretion of the county, existing utilities, will be asked to provide documentation showing present annual water quantity, quantity of water supply commitments to date, and any other information required by the Board of County Commissioners to deem the utility capable of meeting requirements of the proposed subdivision.

### **Agency Comments**

Public Works is currently reviewing a grading and drainage plan (Case # PWDN-50058) and expects the applicant to comply with the improvement recommendations in the Traffic Impact Analysis. New Mexico Department of Transportation concurs with the recommendations for turn lanes (see Attachment 4) and provides general requirements for application of driveway access. Office of the State Engineer has issued a negative opinion based on material reviewed and failure to prove the ability to supply the required amount of water to the subdivision. However, The County Development Review Authority has deemed that the letter of commitment submitted by Entranosa Water and Wastewater is adequate. Ciudad Soils and Water Conservation District provides technical data on soils within the subdivision. In addition, this agency points out that the allowance of a ‘guest house’, as included in the Covenants section, constitute a second dwelling unit and is not accounted for in the estimates of developed runoff which were calculated for one-dwelling unit per lot. The Parks and Recreation department wishes to work with the applicant and Public Works on striping and lane width of the 28’ roads, and the 38’ entrance widths on Monte Cristo and Ashton Drives, so adequate shoulders for bikeways can be provided. They also request that all trail easements are labeled as public trail easements.

### **Analysis Summary**

Plans	
Comprehensive Plan	The request fulfills goals of the Comprehensive Plan of maintaining the area in residential development
Area Plan	Meets the minimum 2-acre net lot requirement.
Other Requirements	
Environmental Health	Upon development, each lot shall have a permitted wastewater systems.
Public Works	Applicant must comply with improvement recommendations of the Traffic Impact Analysis.

### **Conclusion**

This request appears to be consistent with the corresponding land use designation of the Albuquerque/Bernalillo County Comprehensive Plan and the East Mountain Area Plan, and with the requirements of A-2 zoning. The applicant has provided Bernalillo County with a Letter of Intent from Entramosa Water and Wastewater Association. Nevertheless, the Office of the State Engineer (OSE) has issued a negative opinion concluding that the developer has not provided sufficient evidence that the required amount of water can be supplied to the proposed subdivision. The OSE acts as a consultant to Bernalillo County on matters of assessment of water availability to proposed subdivisions. This opinion letter was not submitted to The County Development Review Authority within the 30-day commenting period. No further action has been taken by the OSE.

### **RECOMMENDATION**

Approval of SC 40003 based on the following Findings and Conditions.

Mari Simbaña  
Program Planner

### **FINDINGS:**

1. This request is for the approval of a Preliminary Plat for a 257-lot, 618.67 acre (approximately) subdivision, to be called 'Las Leyendas'.
2. The subdivision meets the density requirements of the East Mountain Area Plan and the Albuquerque/Bernalillo County Comprehensive Plan.
3. The applicant has submitted a letter of intent and data on water availability from Entramosa Water and Wastewater Association that it is ready willing and able to provide 154.2 acre-feet of water per year to Las Leyendas subdivision for the 70 year period required by Bernalillo County.
4. This request is consistent with the health, safety, and general welfare of the residents of the County.



**CONDITIONS:**

1. The applicant shall comply with all Bernalillo County Ordinances and Regulations.
2. Prior to submittal of final plat approval, the applicant shall omit any references to the allowance of a guest house or second dwelling unit from all Subdivision Application materials.
3. Prior to submittal of final plat approval, the applicant shall submit to Bernalillo County Public Works Division any written document, design plan or sketch, and/or required correspondence necessary to demonstrate compliance with improvements recommended by the Traffic Impact Analysis, including granting of additional rights-of-way.
4. Prior to submittal of final plat approval, the applicant shall revise the Disclosure Statement to reflect the opinion of the Office of the State Engineer.
5. Prior to final plat approval, the Bernalillo County Public Works Division shall review and approve the Grading and Drainage Plan.

**BERNALILLO COUNTY DEPARTMENT COMMENTS**

Environmental Health:

10/12/04

1. The application did not contain a map showing slopes over 15 percent and no-build zones in accordance with Section 74-35(b)(2) of the County Subdivisions Code.
2. The application must show slopes greater than 15 degrees which will be too steep for onsite wastewater (septic) disposal fields in accordance with County Ordinance Section 42-508(B), the map should also show rock out-crop areas.
3. A water availability statement from Entramosa Water & Wastewater Association (EWWA) was not included or attached to the disclosure statement.
4. The New Mexico State Engineer's Opinion of Water Availability was not attached to the disclosure statement.
5. The Quantification of annual water requirements of 0.6 acre-feet per parcel per year as required by Section 74-92(1) was not addressed.
6. The Proposed subdivision's water supplier must address Section 74-95.
7. The Subdivider shall address Section 74-97(4).
8. The Subdivider shall address Section 74-104(5).
9. The Subdivider shall address Section 74-112.

4/13/05

This is a "NEW" Preliminary Plat submittal. The original Preliminary Plat expired.

1. The application did not contain a map showing slopes over 15 percent and no-build zones in accordance with Section 74-35(b)(2) of the County Subdivisions Code. Submit this map showing
2. The application did not show and must show slopes greater than 15 degrees. Any slope greater than 15 degrees will be too steep for onsite wastewater (septic) disposal fields in accordance with County Ordinance Section 42-508(B). Submit a Map showing all rock out-crop areas, all proposed parcels, all test boring locations and soil series with associations in accordance with the soil survey of Bernalillo County.
3. A water availability statement from Entramosa Water & Wastewater Association (EWWA) was included: however, a "Current" availability statement is required from Entramosa Water Co-Op that meets the requirements of Bernalillo County Sub-division Code section 74-92[1].
4. A "Current" New Mexico State Engineer's Opinion of Water Availability was not attached to the disclosure statement. A "Current" opinion is required that meets the requirements of Bernalillo County EH Office.
5. The Quantification of annual water requirements of 0.6 acre-feet per parcel per year as required by Section 74-92(1) was not addressed.
6. The Proposed subdivision's water supplier must address Section 74-95.
7. The Subdivider shall address Section 74-97(4).

8. The Subdivider shall address Section 74-104(5).

9. The Subdivider shall address Section 74-112.

10. Conflict exists in the waste water systems proposed. The application refers to multiple types of waste water systems. The types described are a "constructed wetlands" and another was individual on-site septic tanks for each lot.

11. The percolation test submitted is inconclusive. The boring holes were conducted in a confined basin and not throughout the sub-division. The site map is not in perspective, lacks elevations and is not to scale.

Due, to the rock outcroppings and steep slopes in some areas of the sub-division the soil characteristics will vary. The bore tests do not take this into consideration. The soil characteristics correlate to the type of wastewater systems allowed in this rural mountainous area. The applicant shall submit a map scaled 1" = 300' showing soils as depicted in the USDA,SCS,Soil Survey of Bernalillo County. The map shall address section 74-97[4][C].

12. A casual investigation of the proposed lot layout and the Bernalillo County zone atlas pages G-35Z and G-36Z don't match. The proposed sub-division has roads and intersections that are not depicted on the zone atlas pages. Including but not limited to Solana dr. and Ashton dr. intersecting with Mountain Valley Rd.

5/11/05

Comments on the Soil at this subdivision:

The applicant submitted soil information on Sheet 3 of 3 and it was evaluated. The evaluation comments are as follows:

The LBE soil mapping unit was not shown on Sheet 3 of 3. This mapping unit is a Laporte-Rock outcrop complex, 20 to 45 percent slopes. The Bernalillo County Soil Survey does not recommend the LBE areas for community development.

The LRD soil mapping unit is a Laporte-Rock outcrop complex, 5 to 20 percent slopes with very shallow soils and bedrock at approximately 15 inches. The Bernalillo County Soil Survey recommends limited community development.

The SWB soil mapping unit is a Silver and Witt soil, 2 to 5 percent slopes with sufficient depth and quantity of moderate to poor quality for wastewater disposal. This mapping unit is acceptable for community development.

Based on the above information, the Bernalillo County Soil Survey, Bernalillo County Subdivisions Code Section 74-97(4)(c) and in accordance with the Bernalillo County Wastewater Ordinance 2000-7, Section 42-508 which requires a minimum slope of 15 degrees or 26.8 percent, Lots 21, 22, 48, 60, 76, 77, 78, 80, 135 and 136 as shown on Sheet 3 of 3 are unacceptable as configured and can not be approved.

Additional Comment:

Section 74-97(4) of the Bernalillo County Subdivision Code has not been completely addressed.

Additional Comment:

Please provide responses to each comment submitted by EH Office of April 13, 2005 and address each specific comment line by line.

Additional Comment:

Current water availability from Entramosa is valid for consumptive water use for phases[units] one, two, and three. Additional water rights for phases[units] four and five must be acquired.

6/22/05

1. Received a soils test pit evaluation.

2. Received an updated water availability statement for phases 1 - 3 of this sub-division. The water availability for phases 4 and 5 have not been committed by Entramosa. The developer and or Entramosa prior to development of phases 4 and 5 must remedy the water rights issues before Bernco EH Office can approve those phases.

3. Faxed to Mr. Arfman the entire list of previously generated comments from the Bernco EH Office. As of this date, 6/22/05 no additional information has been received from the applicant.

7/7/05

Previous comments have been sufficiently addressed, with the exception to the quantity of water rights availability for phases 4 and 5. However, at the discretion of the county sufficient time is being allowed for the applicant to acquire and prove the existence of additional water rights for the subdivision phases 4 and 5.

This discretion is based upon the following sections of the Bernalillo County Subdivision Ordinance:

Sec. 74-95 c(3)

Sec. 74-95 f(2)(a)

Sec. 74-95 f(2)(d)

As a condition to this Preliminary Plat approval; the applicant "shall" prior to BCC "Bernalillo County Commission" Final Plat approval provide Bernalillo County EH Office etal, with sufficient documentation demonstrating appropriate quantity of water rights for this entire subdivision and specifically phases 4 and 5 which currently is in question.

8/1/05

Previous comments have been sufficiently addressed, with the exception to the quantity of water rights availability for phases 4 and 5.

Section 74-95(f)(2)(a) of the County Subdivisions Code allow the county to ask for Documentation showing the quantity of water presently produced annually, quantity of water supply commitments to date, and PROOF OF SUFFICIENT WATER RIGHTS to meet both existing commitments and the requirements of the proposed subdivision;

Before the Preliminary plat can be deemed complete, documentation showing proof of sufficient water rights for the Las Leyendas subdivision must be submitted to Bernalillo County.

10/6/05

New letter of water availability from Entramosa is satisfactory and meets Bernalillo County EH Office approval.

No adverse comments.

Fire:

10/12/05

An additional evacuation / access road maybe required in a wildland/forest interface area.

An evacuation plan may be required in a wildland/forest interface area.

The code items in this review are not intended to be a complete listing of all possible code requirements adopted by this jurisdiction. It is a guide to selected sections of the code. Additional information is required prior to approval and/or occupancy.

Traffic calming devises shall not be permitted

All gates shall be approved by the Fire Marshal's Office

Streets and roads shall be identified with approved signs.

Approval and/or occupancy pending approved water supplies for fire protection. Fire hydrants are generally installed according to spacing criteria that varies according to proposed land use. These hydrants may be required to be supplemented with additional hydrants when actual development takes place.

BCFD Fire Prevention Bureau shall approve all wateline extensions. Water utilities shall submit plans and specifications prior to construction.

Where new waterlines are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at not less than 1,000-foot spacing to provide for transportation hazards.

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A letter of intent shall be required from the utility to specify fire flows, pressures, and storage which will be provided for fire protection.

Zoning Department Manager  
10/12/04

Must comply with below listed comments.

Property is zoned A-2 and located in the East Mtn Area.

Minimum lot size is 2.0 acres.

Please show both gross and net for each lot.

Street names are in the process? Please verify names with zoning for approval.

Plat is acceptable for sketch.

4/12/05

Based on the above comments there is no adverse comments at this time.

Plat is acceptable.

5/11/05

Based on the above comments there is no adverse comments at this time.

Plat is acceptable for preliminary plat.

6/22/05

Based on the above comments there is no adverse comments at this time.

Plat is acceptable for preliminary plat. MCO

7/21/05

Based on the above comments there is no adverse comments at this time.

Plat is acceptable for final.

10/12/05

Based on the above comments there is no adverse comments at this time.

Plat is acceptable for final.

Program Planner:

10/4/04

Commitment letter from water provider was not included in application submittal. Applicant must confirm water availability and quantity (0.6 acre-ft/yr/lot)-see Environmental Health comments. Indicate existing lots to be vacated by this new subdivision request. Show both gross and net acreage. Show lot widths. Every plat submittal should reflect the most current and correct information/studies on the property.

4/11/05

Preliminary Plat application does not include a Letter of Authorization for current acting agent, Consensus Planning, Inc.

Plat shows 257 lots of 2 or more acres each. Gross and net lot acreage is not shown for each lot. Density shown for Units should be revised to reflect one DU per 2 acres.

Water commitment letter states that the provider (Entranosa Water & Wastewater) can supply 157 lots with the amount required by Bernalillo County at 0.6 acre foot/yr/lot. Longevity of commitment should also be specified. The plat should be revised to show 157 lots. Lot widths not shown. Several front lot widths appear extremely short.

4/2/05

Application not acceptable for preliminary plat approval.

Applicant must fulfill the following requirements set forth in the Bernalillo County Subdivision Code:

Sec. 74-31. Preliminary plat instructions.

(c) Support documentation. Prior to accepting the preliminary plat, the county shall require that the subdivider furnish documentation of:

(2) Water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses;

Sec. 74-92. Quantification of annual water requirements.

The following procedures shall be used to quantify the maximum allowable subdivision water use per year, for all subdivisions:

(1) The maximum annual water requirements for both indoor and outdoor purposes, for each parcel in a residential subdivision shall be 0.6 acre-feet per year. The total annual water requirements for the subdivision in acre-feet per year, is computed by multiplying the number of parcels by 0.6.

6/14/05

A supplemental letter (May 4, 2005) to the Water Availability Letter of March 28, 2005 has been submitted by Entranosa Water and Wastewater Association. This May 4, 2005 supplement letter states that the water provider is ready, willing and able to provide 94 acre feet per year for 70 years. At 0.6 acre-feet/lot/year required by the County, 94 acre- feet/year will satisfy the water needs of 157 lots. The subdivision request is for 257 lots which would require 154 acre-feet/per year. The amount of water available from the water provider is insufficient for 257 lots.

Please see previous comments of May 2, 2005.

7/18/05

A supplemental letter (June 20, 2005) to the Water Availability Letter of March 28, 2005 has been submitted by Entranosa Water and Wastewater Association. This June 20, 2005 supplement letter establishes that the water provider is ready, willing and able to provide the maximum annual water requirements for the 257-lot subdivision (Phases 1-5) for 70 years upon the financing of sufficient water rights by the developer/owner.

At 0.6 acre-feet/lot/year required by Bernalillo County, 257 lots requires, 154 acre-feet/year. The actual current water available for the developer/owner from Entranosa is 94.2 acre/feet/year, satisfying the water requirements for only 157 lots (Phases 1-3).

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Therefore, since the subdivision request is for a total of 257 lots, the amount of water available from the water provider, is insufficient.

At this time, the applicant should revise the Preliminary Plat to illustrate 157 lots to be consistent with the 94.2 acre-feet/year of water available to satisfy the water needs of Phases 1-3 containing 157 lots.

Alternatively, the applicant may chose to re-submit the Preliminary Plat at a time when 154 acre-feet/year is actually available for all 257 lots (Phases 1-5) of the subdivision.

10/3/05

new letter of intent dated Sept. 19, 2005 has been submitted by Entranosa Water and Wastewater Association on behalf of the applicant. This letter indicates that Entranosa, the water provider, has committed a total of 154.2 acre-feet per year of water to the Las Leyendas Subidivision for at least 70 years. Per Bernalillo County Subdivision Code, this amount of water can satisfy the 257 lots proposed by the applicant.

Application is acceptable for Preliminary Plat approval.

Building Department Manager:  
No Comment Received

Public Works:

DRAN:

10/11/04

1. A grading and drainage plan Case # PWDN 990118 was approved for the 56 lot subdivision. Please revise and submit with the new lot configuration for review and approval.

4/12/05

1. See previous comments. A revise grading and drainage plan is required prior to final plat.

5/9/05

1. See previous comments.

2. Additional comments may be forth coming upon review of grading and drainage plan. Drainage easements will be dedicated with this platting action upon approval of grading and drainage plan.

6/21/05

1. The drainage easements need to be shown as dedicated with this platting action or shown as previously dedicated with the documentation noted on the plat. The drainage easements may change as a result of the review process of the grading and drainage plan.

2. A grading and drainage plan case # 50058 has been submitted and is and is in the review process.

7/25/05

1. See previous comment. No further comment at this time.



10/12/05

1. See previous comments. No additional comment at this time.

DRE

10/12/04

1. Include the CDRA Case Number "SC 40003" on the plat.
2. Provide a "Statement of Declaration of Purpose of Plat".
3. Include a vicinity map with the corresponding Zone Atlas page referenced.
4. Show any easement or right-of-way that abuts this property.
5. Right-of-Way or access and utility easements for the internal roads are required to be 50' in width, include the dimensions for road widths, radii and cul de sacs on the plat.
6. If more than five (5) lots are served, private way surfacing shall be asphalt concrete as required in the Standard Details.
7. Intermediate turnarounds are required every 600'.
8. Provide an easement for a cluster of mailboxes at the intersection of Fire Lizard Lane/proposed access road and second proposed access road. Refer to the NM DOT Standard detail for mailbox installation and coordinate with the U.S. Postal Service. No mail shall be delivered on a private road that is not maintained by Bernalillo County.
9. Indicate on the plat, who is responsible for the maintenance and operation of the private road and the beneficiaries of the private road. If this easement was created by a previous document, this document shall be referenced on the plat.
10. The proposed roads is required to be named with this platting action. All new streets both public and private shall be named by an approved plat filed in the office of the county clerk.
11. The subdivider is responsible for improvements to all included roadways and shall bear the cost of such improvements. In addition, if the impact of the development requires improvements to offsite roadways accessing the development and these improvements are determined to be necessary for Public Safety or for traffic operations, the developer shall bear the cost of such improvements. Such improvements may include but not be limited to improvements such as major drainage crossing structures, traffic lighting, street lighting, proper signage and resurfacing or reconstruction of the roadway. The included and adjoining roadways need to meet or be improved to meet minimum Bernalillo County access standards found in Ordinance 88-42. All required improvements must be constructed and accepted by BCPWD or financially guaranteed and a Subdivision Improvements Agreement (SIA) entered into with Bernalillo County prior to final plat sign-off by BCPWD.
12. The minimum design review fee for this platting action is \$250.00 and is required to be paid prior to final plat sign-off by BCPWD. The design review fee is based on a percentage of the cost of improvements and may be greater than this amount. Please arrange for an appointment to receive final sign off by BCPWD. Provide one (1) copy of the plat at the time of signing. Within two weeks of the official recording of this plat, provide two (2) copies of this officially recorded plat to BCPWD. The copies may be mailed or hand delivered to 2400 Broadway, SE, Albuquerque, NM 87102. If there are any questions, please call David Lorenzo at 848-1583.
13. Construction plans for all facilities and/or improvements under Bernalillo County jurisdiction or within Bernalillo County right-of-way must be submitted to Bernalillo County Public Works Division for approval prior to construction.

14. Traffic Impact Analysis will be required.

4/11/05

1. Indicate on the plat 50ft right-of-way for all internal roads. All road grades must meet County Standards.
2. Indicate on the plat all cul de sac radius.
3. Traffic Impact Analysis is required. Right-of-way easements maybe required to accomidate Traffic Impact recommendations.
4. The subdivider is responsible for improvements to all included roadways and shall bear the cost of such improvements. In addition, if the impact of the development requires improvements to offsite roadways accessing the development and these improvements are determined to be necessary for Public Safety or for traffic operations, the developer shall bear the cost of such improvements. Such improvements may include but not be limited to improvements such as major drainage crossing structures, traffic lighting, street lighting, proper signage and resurfacing or reconstruction of the roadway. The included and adjoining roadways need to meet or be improved to meet minimum Bernalillo County access standards found in Ordinance 88-42. All required improvements must be constructed and accepted by BCPWD or financially guaranteed and a Subdivision Improvements Agreement (SIA) entered into with Bernalillo County prior to final plat sign-off by BCPWD.
5. The minimum design review fee for this platting action is \$250.00 and is required to be paid prior to final plat sign-off by BCPWD. The design review fee is based on a percentage of the cost of improvements and may be greater than this amount. Please arrange for an appointment to receive final sign off by BCPWD. Provide one (1) copy of the plat at the time of signing. Within two weeks of the official recording of this plat, provide two (2) copies of this officially recorded plat to BCPWD. The copies may be mailed or hand delivered to 2400 Broadway, SE, Albuquerque, NM 87102. If there are any questions, please call David Lorenzo at 848-1583.

5/11/05

1. Include the CDRA Case Number "SC 40003" on the plat.
2. Provide a "Purpose of Plat" statement.
3. Construction plans for all facilities and/or improvements under Bernalillo County jurisdiction or within Bernalillo County right-of-way must be submitted to Bernalillo County Public Works Division for approval prior to construction.
4. Traffic Impact Analysis or TIA is required with this platting action.  
If additional right of way is required by the TIA, this right of way shall be granted with this platting action.
5. The subdivider is responsible for improvements to all included roadways and shall bear the cost of such improvements. In addition, if the impact of the development requires improvements to offsite roadways accessing the development and these improvements are determined to be necessary for Public Safety or for traffic operations, the developer shall bear the cost of such improvements. Such improvements may include but not be limited to improvements such as major drainage crossing structures, traffic lighting, street lighting, proper signage and resurfacing or reconstruction of the roadway. The included and adjoining roadways need to meet or be improved to meet minimum Bernalillo County access standards found in Ordinance 88-42. All required improvements must be constructed and accepted by

BCPWD or financially guaranteed and a Subdivision Improvements Agreement (SIA) entered into with Bernalillo County prior to final plat sign-off by BCPWD.

6. The minimum design review fee for this platting action is \$250.00 and is required to be paid prior to final plat sign-off by BCPWD. The design review fee is based on a percentage of the cost of improvements and may be greater than this amount. Please arrange for an appointment to receive final sign off by BCPWD. Provide one (1) copy of the plat at the time of signing. Within two weeks of the official recording of this plat, provide two (2) copies of this officially recorded plat to BCPWD. The copies may be mailed or hand delivered to 2400 Broadway, SE, Albuquerque, NM 87102. If there are any questions, please call David Lorenzo at 848-1583.

6/23/05

1. Include the CDRA Case Number "SC 40003" on the plat.
2. Provide a "Purpose of Plat" statement.
3. Intermediate turnarounds are required every 600'.
4. The location of Ashton Drive in relationship to Berta Drive does not meet the minimum spacing requirement of the State Access Management Manual Table 18.C-1. Relocate Ashton Drive to align with Berta Drive.
5. All lots adjacent to Mountain Valley Road shall access off the interior or minor road.
6. All improvements recommended by the Traffic Impact Analysis are required to be constructed with this platting action.
7. Construction plans for all facilities and/or improvements under Bernalillo County jurisdiction or within Bernalillo County right-of-way must be submitted to Bernalillo County Public Works Division for approval prior to construction.
8. The subdivider is responsible for improvements to all included roadways and shall bear the cost of such improvements. In addition, if the impact of the development requires improvements to offsite roadways accessing the development and these improvements are determined to be necessary for Public Safety or for traffic operations, the developer shall bear the cost of such improvements. Such improvements may include but not be limited to improvements such as major drainage crossing structures, traffic lighting, street lighting, proper signage and resurfacing or reconstruction of the roadway. The included and adjoining roadways need to meet or be improved to meet minimum Bernalillo County access standards found in Ordinance 88-42. All required improvements must be constructed and accepted by BCPWD or financially guaranteed and a Subdivision Improvements Agreement (SIA) entered into with Bernalillo County prior to final plat sign-off by BCPWD.
9. The minimum design review fee for this platting action is \$250.00 and is required to be paid prior to final plat sign-off by BCPWD. The design review fee is based on a percentage of the cost of improvements and may be greater than this amount. Please arrange for an appointment to receive final sign off by BCPWD. Provide one (1) copy of the plat at the time of signing. Within two weeks of the official recording of this plat, provide two (2) copies of this officially recorded plat to BCPWD. The copies may be mailed or hand delivered to 2400 Broadway, SE, Albuquerque, NM 87102. If there are any questions, please call David Lorenzo at 848-1583.

7/26/05

1. Address comments 1,2,3,7,8 and 9 from June 23, 2005.

10/12/05

1. Comments 1,2,5,6,7,8 and 9 from June 23, 2005 are applicable.
2. The statment "55' easement for public thoroughfare" shall be changed to "55' of Public Right-of-way granted by this plat".

Infrastructure Plan Review (Hydrology):

6/22/05

1. Per Ordinance 74-95(b)(1), as a condition of preliminary subdivision plat approval for type-two subdivisions, a water availability assessment must be submitted. For supplies from existing utilities, the assessment must satisfy the requirements of Ordinance 74-95(f). A letter from EWWA , dated May 2, 2005 has been provided. However, EWWA indicates that they only have 94 acre-ft per year available, and that the developer will have to procure an additional 57.2 acre-feet per year. Is EWWA's availability statement based on existing water rights or current pumping capacity?
2. In the Disclosure Statement, Item 22, no letter of opinion from the OSE for the proposed subdivision, rather than a preceeding plan, is attached.
3. Per Ordinance 74-95(f)(2), for existing utilities, the County may exercise its discretion and require that the water assessment satisfy the more rigorous documentation requirements prior to preliminary plat approval. For this application, this discretion is being exercised and the documentation listed in 74-95 (f)(2) is requested.
4. Per Ordinance 74-92 (1), the quantification of annual water requirements is to be based on 0.6 acre-feet per year. The application suggests a non-enforceable, and unrestricted, use rate of 297.58 gallons per day for each dwelling. This equates to an annual use of 0.33 ac-ft per year. Item 18 of the Disclosure states that "EWWA guidelines encourage restricting water use to less than an average of 9,000 gallons per month per dwelling", which also equates to 0.33 ac-ft per year. Given that the 0.33 ac-ft per year figure is only encouraged within guidelines, and is not an enforcable covenant or restriction, use of the 0.6 ac-ft per year factor should be used. This will approximately double the water availability demand, and the water assessment to be provided should reflect this change.
5. Per Ordinance 74-93, prior to FINAL plat approval, the subdivider must provide proof of a valid water right permit. No such proof was provided with the application. Current information in County files suggests that the water rights for the proposed supplier may be insufficient, when considering other existing supply committments, to meet the proposed committment for a 259 lot subdivision, even if one assumes the 0.33 ac-ft per year use requirement. Thus the use of the County's discretion to require the documentation required in 74-95 (f)(2), particularly item (a), as a condition of preliminary plat approval.

7/26/05

No Adverse Comments - Defer Comments and Approval to BCEHD

Parks & Recreation:

10/12/04

BCPR is preparing an East Mountain Trails Plan. It is expected to go before the County Commission for adoption in early 2005. BCPR spoke with consulting engineer a few months

ago about incorporation of trails into the Las Leyendas subdivision. BCPR welcomes the addition of a 6' meandering trail through Las Leyendas on subdivision roads for the use and enjoyment of the public and future Las Leyendas residents. BCPR respectfully asks the applicant to consider the following:

1. BCPR would like to see the 25' emergency access and utility easement along the northern boundary between lots 157 and 158 also identified as a public trail easement to connect with Kramer Road. In developing the draft EM Trail Plan, conversations with BC Fire concluded that public trail easements and emergency access easements can often be co-located.
2. BCPR would like to see platted a 10' wide public trail easement with 5' on lot 77 and 5' on lot 76 for a total width of 10'.
3. BCPR would like to have public trail access also be a part of the 80' drainage easement in the south-central portion of the subdivision.
4. Is there a location along Mountain Valley Road near one of the two subdivision entrances that would be suitable for a small, 2-5 vehicle trailhead to be developed by BCPR? Perhaps this possibility can be considered along with a future pocket park being located in Las Leyendas.

What improvements are anticipated on Mountain Valley Road that requires the dedication of 55' feet of right-of-way? The draft East Mountain Trail Plan identifies Mountain Valley Road as a proposed bike route with six-foot paved shoulders meeting AASHTO standards. The possibility could also exist for a soft-surface trail to be located within this dedicated right-of-way for equestrian and pedestrian uses.

4/13/05

Applicant is to be commended for a thorough and well-organized submittal. BCPR welcomes the addition of a 6' meandering trail through Las Leyendas on subdivision roads and through drainage easements for the use and enjoyment of the public and future Las Leyendas residents. As previously discussed with the applicant and submitted to CDRA, please add the following to the plat:

1. BCPR requests that the 25' emergency access and utility easement along the northern boundary between lots 157 and 156 also be identified as a public trail easement to connect with Kramer Road. In developing the East Mountain Trails and Bikeways Master Plan, conversations with BC Fire concluded that public trail easements and emergency access easements can often be co-located. Kramer Road is also identified as having a future rural road trail facility.
2. The 6' meandering trail should continue to the cul-de-sac terminus of Fonseca Place at the extreme southwestern corner of the subdivision. BCPR would like to see platted a 10' wide public trail easement with 5' on lot 77 and 5' on lot 76 for a total width of 10'. This connection, along with the identified connection between lots 68 and 69, will provide future flexibility for connecting the trail system beyond the southwestern corner of Las Leyendas.

Additionally, item 35 in the Disclosure Statement says no recreational facilities are provided. This must be changed to reflect the provision of on and off-street trails. Numerous references to on and off-street trails are made throughout the remainder of the submittal.

The Fire Protection Plan should also highlight the trail corridors as potential access points for fire fighting.

Please show the typical roadway section on the final plat. It appeared on sketch plat submittal.

5/11/05

Thank you for addressing the April 14 comments in this resubmittal.

- No revised Disclosure Statement was resubmitted. Item 35 in the Disclosure Statement submitted in April says no recreational facilities are provided. This must be changed to reflect the provision of on and off-street trails. Numerous references to on and off-street trails are made throughout the remainder of the April submittal.
- Please show the typical roadway section on the final plat. It appeared on sketch plat submittal.
- Note 3 on the resubmitted preliminary plat says pavement width will be 28' in most places. BCPR wants to work with the applicant and Public Works on striping and lane width of these roads, and the 38' entrance widths on Monte Cristo and Ashton Drives, so adequate shoulders for bikeways can be provided. BCPR also wants to discuss the development of a 50' ROW cross-section in the final plat that incorporates the 6' meandering trail.

6/22/05

Please make sure all trail easements are labeled as public trail easements.

Please add a signature line for Bernalillo County Parks and Recreation Department.

Sheriff's:

No comment received

## COMMENTS FROM OTHER AGENCIES

NMDOT

11/8/05

Please see the two (2) attached pages on the file.

See Attachment 4

State of New Mexico, Office of the State Engineer:

See Attachment 4

Ciudad Soil and Water Conservation Service:

See Attachment 4

COUNTY PLANNING COMMISSION  
JANUARY 4, 2006  
SC-40003

AMAFCA  
11/29/05  
No comment

Albuquerque Public Schools  
11/30/05

The proposal for a 257 lot subdivision, known as Las Layendas, is located in the East Mountains at the intersection of Mountain Valley Rd and Crestview Lane. This area is located in the Moriarty School District; therefore, will have no adverse impacts to the APS district.

MRCOG  
12/7/05  
No comment.

**NEIGHBORHOOD ASSOCIATIONS:**

East Mountain District 5 Coalition

The Woodlands Neighborhood Association

Crestview Neighborhood Association